

REMARKS

Upon entry of the present amendment, claims 38 and 39 will have been amended. The amendments to the claims 38 and 39 should not be considered an indication of Applicants' acquiescence as to the propriety of any outstanding rejection. Rather, Applicants have amended claims in order to advance prosecution and obtain early allowance of the claims in the present application.

In view of the herein contained amendment and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection set forth in the Official Action, together with an indication of the allowability of all of the claims pending in the present application. Such action is now believed to be appropriate and proper and is thus respectfully requested, in due course.

In the outstanding Official Action, the Examiner rejected claims 27-30 and 35-41 under 35 U.S.C. §103(a) as being unpatentable over Nonaka et al. (US 2003/0046238) in view of Wang (2002/0191950). Applicants respectfully disagree and thus traverse.

Applicant's claimed invention is directed to a content playback control method and a content playback control terminal, as recited in each of independent claims 38 and 39. Utilizing the content playback control method recited in amended claim 38 as a non-limiting example of features and aspects of an invention disclosed in the present application, the present application relates to a content playback control method including, inter alia, storing in a memory, special sections subject to a restriction of a special playback of content; and a playback mode permitted in each of the special sections. An electronic signature is assigned to at least one of the special sections and the playback mode. The method further includes checking validity of the at least one of the special sections and the playback mode to which the electronic signature is assigned,

when an instructed special playback of the decoded content is performed, and determining, when the at least one of the special sections and the playback mode to which the electronic signature is assigned is valid and the usage condition specifies the special sections of the decoded content described in the information stored in the memory, whether the special sections of the decoded content described in the information stored in the memory include a point at which the instructed special playback is performed.

Support for the amendments contained in this response may be found in at least paragraph [0134] and paragraphs [0080]-[0099] of the U.S. Patent Application Publication of the present application. More specifically, paragraph [0134] discloses that the validity of playback control information may be checked in terminal 110 by means of method such as attaching an electronic signature to playback control information. Further, paragraphs [0080]-[0099] disclose that playback control information includes special sections subject to a restriction of a special playback of content and the playback mode (e.g. 607 in Fig. 7).

The combination of features of the present invention, as recited in claim 38, provides an advantage of preventing playback control information (e.g., special sections and playback modes) from being tampered with and preventing a content playback that does not match the intended playback of the issuer of the playback control information. (Note, e.g., paragraph [0134])

In setting forth the rejection, the Examiner admitted that Nonaka et al. does not disclose or teach the special section subject to a restriction of a special playback of content, and the playback mode permitted in each of the special sections. See the Office Action, page 3, lines 6-8. However, the Examiner indicated that Wang discloses these features, in paragraphs [0025] and [0026].

Wang discloses, in paragraphs [0025]-[0030], for example, a skipping control device 14 (Fig. 1) that controls, when video is played back, the video recording and playback device 16 based on a content classification signal, and prevents skipping a commercial part of the video signal. Thus, the Examiner appears to be asserting that the information in the content classification signal that specifies the commercial part in the video signal corresponds to the information describing the special sections, as recited in claim 38.

However, Wang does not disclose that an electronic signature is assigned to the information that specifies the commercial part in a video, or to the content classification signal. In other words, Wang et al. does not disclose that an electronic signature is assigned to at least one of the special sections and the playback mode, as explicitly recited in claim 38. Based upon the non-disclosure of the electronic signature assigned to the special sections, Wang et al. inherently does not disclose checking validity of the special sections (i.e., information specifying the commercial part) to which the electronic signature is assigned, when an instructed special playback of the decoded content is performed, or determining, according to the information stored in the memory (i.e., including special sections and/or playback mode), whether the special sections of the decoded content include a point at which the instructed special playback is performed, when the special sections to which the electronic signature is assigned is valid.

Accordingly, at least based on the lack of disclosure regarding the above-described and explicitly recited feature, in the claimed combination, Applicants submit that none of the cited references, even if combined as set forth in the Official Action, disclose or render obvious the combination of features recited in Applicants' independent claims 38 and 39, and thus, the Examiner's rejection of the claim under 35 U.S.C. §103(a) is improper.

The dependent claims in the present application are respectfully submitted to be patentable over the reference relied upon based upon their dependence from a shown to be allowable base claim, as well as based upon their own additional recitations.

Applicants note that the status of the present application is after final rejection and that Applicants do not have a right to amend an application once a final rejection has issued. Nevertheless, Applicants respectfully submit that entry of the present amendment is appropriate and proper as it is in full compliance with 37 C.F.R. §1.116. In particular, the present amendment does not raise any new issues requiring further consideration or search and requires only cursory review by the examiner. Additionally, in view the herein contained remarks, the present amendments clearly place the present application in condition for allowance.

Accordingly, Applicants respectfully request entry of the present amendment, reconsideration and withdrawal of the outstanding rejection, together with an indication of the allowability of the claims pending in the present application, in due course.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application into condition for allowance and believe that they have now done so. Applicants have amended the claims to clarify the feature of the invention and to emphasize distinctions between the present invention and the disclosure of the reference relied upon by the Examiner.

Applicants have additionally discussed the disclosures of the cited references and pointed out the shortcomings thereof. Further, Applicants have, with respect to the explicit recitations of the pending claims, pointed out clear deficiencies in the reference applied thereagainst. Accordingly, Applicants have provided a clear and convincing evidentiary basis supporting the patentability of all of the claims in the present application and respectfully request an indication to such effect in due course.

Applicants have additionally provided a basis for entry of the present amendment although the status of present application is subject to final rejection.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

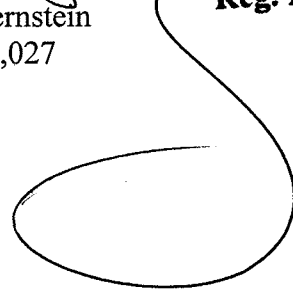
Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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